

COMMUNITY OF PRACTICE ON HIGHLY HAZARDOUS PESTICIDES

Organized by the SAICM Secretariat and the University of Cape Town

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DISCUSSION 3 DIGEST

Rights-based approach to Highly Hazardous Pesticides (HHPs) management

ABOUT THE PRESENTERS



Baskut Tuncak is currently the director of the Massachusetts Toxics Use Reduction Institute (TURI) where he leads the organization's efforts to advance safer and healthier environments and workplaces. From 2014-2020, he served as the UN Human Rights Council's Special Rapporteur on human rights and toxics, working closely with various stakeholders to promote environmental and occupational rights. He is nominated to be a Research Professor in the Department of Public Health at the University of Massachusetts Lowell and continues to advise various organizations on the intersection of human rights, the environment and occupational health.



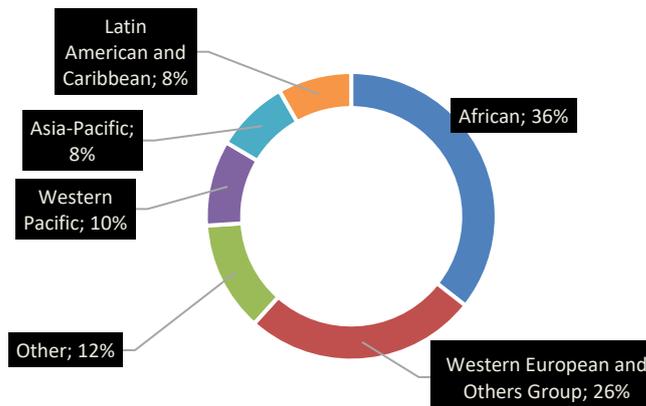
Peter Hurst is a specialist on a wide range of health, safety, pollution prevention and labour-related issues, especially pesticides and in global food supply chains, agriculture and agrofood industries. He has previously worked for the International Labour Organization (Health and Safety; Hazardous child labour elimination), World Wide Fund for Nature International, International Union of Food & Agricultural Workers, and as government health and safety labour inspector in agriculture in the United Kingdom.



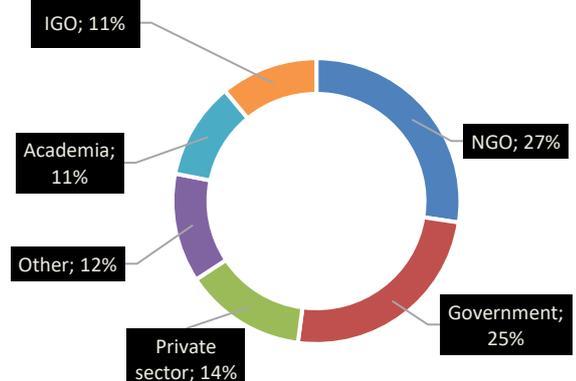
Laurent Gaberell is a food and agriculture expert at Public Eye, a Swiss non-government organization (NGO) that shed light on human rights violations perpetrated by Swiss companies abroad and advocate for regulations that better tackle the root causes of inequality

2022 DISCUSSION 3 ATTENDANCE BREAKDOWN

Region representation



Sector representation



DISCUSSION
3 2022
TOTAL
ATTENDEES:
73

Female: 23
Male: 23
Other: 27

KEY:
IGOs - Intergovernmental organisations
NGOs - Non-governmental organisations

Discussion 3 Summary Points and Looking Ahead

1. Participants could not identify a specific legislative framework for a human rights approach to highly hazardous pesticides (HHPs) management in their countries and suggested that parts of such an approach are found in different legislation pieces (e.g., it is addressed by in the **Occupational Health and Safety Act** and the **Dangerous Chemicals Control Act** in Malawi and Mauritius). In addition, participants commented that a human rights-based approach is covered by a country's Constitution as well as relevant global conventions (e.g., Rotterdam Convention). A challenge identified in many of the participating countries from Africa (e.g., Malawi, Mauritius, Uganda, and Kenya) was a **lack of awareness right-bearers (e.g., farmers) have of their rights when exposed to hazardous chemicals**. Furthermore, the **lack of cooperation between different sectors and civil society** and **corruption among government ministries** were identified as challenges to having a rights-based approach to pesticide management.

Looking ahead, participants expressed a **need for awareness-raising on the dangers of hazardous chemicals**, the **laws that protect people** from hazardous chemicals and the **adoption of safer use of pesticides**. Participants agreed that a **human rights-based approach would be a valuable contribution** to reduce harmful exposures to pesticides in their countries.

2. Participants responded that **companies that sell highly hazardous pesticides** in low- and middle-income countries (LMICs) **violate their responsibility to respect human rights**. Participants agreed that **corporate responsibility to respect human rights should be mandatory**.

Most participants agreed that pesticide companies should be responsible for upholding human rights because of the **negative externalities** associated with the pesticide life cycle, the **responsibility pesticide companies hold to disseminate information** on their products, and because of the influence pesticide companies have in farming communities. Additionally, some participants voiced that the **government should also be held responsible for upholding human rights**.

3. Participants discussed that strengthening workers' rights can help provide **access to hazard information**, **prevent child labour**, and **introduce workplace safety practices**. Participants agreed that one way to promote and ensure workers' human rights in agriculture is through **ratifying the ILO Convention No. 184 on Safety and Health in Agriculture**. Furthermore, participants expressed that the **right to a healthy and safe environment and due diligence** should be a requirement for agricultural employers to minimize workers' exposure to chemicals. However, to do so, challenges such as the lack of enforcement, implementation and application will need to be overcome first. Looking ahead, as per ILO Convention No 184, Article 7, before workers are instructed to use pesticides, **employers should carry out workplace health and safety risk assessments** - with the active participation of their workers - and **implement appropriate risk controls** as determined in the assessments to minimise worker exposure to pesticides.

[For a more detailed summary of the discussion, see the Annex below.](#)

ANNEX

DETAILED SUMMARY OF DISCUSSION 3 2022:

Disclaimer: The information in this digest represents the opinions expressed during the discussion of members participating from different stakeholder groups. The views expressed in this document do not necessarily represent the opinion or the stated policy of the United Nations Environment Programme, the SAICM Secretariat, the GEF or UCT, nor does citing of trade names or commercial processes constitute endorsement.

THE DISCUSSION WAS STRUCTURED AROUND THREE QUESTIONS AND THE KEY DISCUSSION POINTS ARE PRESENTED UNDER EACH QUESTION.

Question 1: Does your country have a human rights-based approach to pesticide management, (e.g., the right to be protected from certain exposures, information/participation, and/or access to effective remedies)? If so, what are some of the success stories? If not, what are the main obstacles to developing or implementing a human rights-based approach for pesticide management in your country? List your country in your response.

COUNTRY	
AFRICA	
MALAWI	<ul style="list-style-type: none">➤ A human rights-based approach to Pesticides Management in Malawi is under different legislations. For example, the Occupational Health and Safety Act details the measures that should be done in the workplace to ensure the safety of workers from exposure to hazardous chemicals and pesticides.➤ The challenge faced in the country is that many people are not aware of their rights and therefore, are exploited. Often, issues do not get reported. The country needs to work on ensuring people are aware of the dangers of hazardous chemicals and the laws that protect them.
MAURITIUS	<ul style="list-style-type: none">➤ The Dangerous Chemicals Control Act 2004 aims to prevent health and environmental damage caused by dangerous chemicals and protect workers and members of the public from chemicals.➤ The country is shifting towards safer alternatives.➤ The Occupational Health and Safety Act 2005 is another legal framework protecting workers.➤ The informal sector faces the most challenges. Therefore, there is a need for awareness-raising towards the safer use of pesticides.
MADAGASCAR	<ul style="list-style-type: none">➤ The legislation in the country protects users from hazardous pesticides.➤ The legislation is based on the Stockholm and Rotterdam conventions.
UGANDA	<ul style="list-style-type: none">➤ The danger of pesticides and other agrochemicals lacks attention.
KENYA	<ul style="list-style-type: none">➤ The constitution upholds human rights and guarantees human health and the environment. Furthermore, different chemical legislation frameworks are based on international laws and conventions.
EUROPE	
ITALY	<ul style="list-style-type: none">➤ If a pesticide is under the Rotterdam Convention, it does not necessarily mean it is banned. Parties to the Convention can decide to import a pesticide.
MIDDLE EAST	
IRAN	<ul style="list-style-type: none">➤ There is information online, in booklets and other materials in Persian on how to avoid pesticides or cure pesticide poisoning.➤ Many people are killed by pesticides due to various reasons, despite years of activities and a good society (e.g., IRANTOX) that is supported by many physicians, pharmacologists, and agricultural environment professionals. A challenge is the lack of cooperation between different sectors and people.➤ In an oil economy country with financial resources, the government should not delay activities to ban or restrict toxic chemicals like pesticides.
NORTH AMERICA	
USA	<ul style="list-style-type: none">➤ In the global south, pesticide use is linked to the main economic activity of the countries like agriculture, which represents most of their Gross domestic product

(GDP) and pays politicians to delay any sustainable and environmental justice initiative.

- There are technologies of precision agriculture to reduce harmful exposures. In addition, water management is key.
- In many cases, people do not know the difference between disease from intoxication and other factors.
- Though there are alternatives, pesticides are poison and other approaches are in low technology readiness level. Therefore, while promoting alternatives, precision agriculture and water treatment should be promoted.

LATIN AMERICA AND THE CARRIBEAN

JAMAICA

- There is no awareness of any human rights provision to protect.
- The challenges faced towards human rights provision to protect against exposure is due to a lack of awareness.

Poll 1: Would you like to see stronger linkages between human rights and pesticide management in your country? (N=9)

- Yes (n=9)
- No (n=0)
- Not sure (n=0)

Poll 2: In what way do you think a human rights-based approach would make the most valuable contribution in your country (N=14)

- Reducing harmful exposures (n=8)
- Enabling community participation (n=3)
- Helping to address transboundary injustices and inequalities (n=2)
- Providing access to information (n=1)
- Ensuring access to effective remedies (n=0)

Question 2: In your opinion, what responsibility do pesticide companies have to respect human rights? Should these responsibilities be made mandatory in legislation? If yes, who would be responsible for their enforcement and monitoring? If not, why not?

YES

- A **right to life** is a human right.
- The enforcement of an employer's responsibility is **hindered by big agricultural and chemical corporations**. It is seen as labour and externalities cost. In addition, **politicians are bribed** to delay sustainable initiative.
- Pesticide companies would **violate their responsibility to human rights** if they do not make available the necessary information to users about the potential dangers of pesticides in different languages.
- All pesticide companies should be responsible for **negative externalities** at all levels of production, consumption, and disposal of pesticides. These impacts may be on the users, waste managers, environment, and public. Since their "product" directly or indirectly affects all, it is imperative that they take responsibility.
- A legal framework needs to be in place to protect workers. However, to do so successfully, there is a need for **enforcement**.
- The responsibility of pesticide companies should be made **mandatory in legislation**.
- Pesticide companies **research innovation to develop alternatives**. Furthermore, they should use their parallel "extension staff" in the field to influence farmers to make safer choices.

NO

- Companies **importing dangerous chemicals** in Mauritius are not violating human rights.
- Multinationals and **behaviour-based safety programs** should be explored. Fatalities injuries, diseases happen because of poor health and safety behaviour by workers and not because of defective work systems.
- **Related governments should be held responsible** by Academia (e.g., science) and global agencies (e.g., WHO, FAO, etc).

Poll 3: Are companies that sell highly hazardous pesticides in LMICs violating their responsibility to respect human rights? (N=18)

Yes (n=12)

No (n=3)

Not sure (n=3)

Poll 4: Do you think that the corporate responsibility to respect human rights should be made mandatory? (N=13)

Yes (n=12)

No (n=0)

Not sure (n=1)

Question 3: How can extending and strengthening workers' human rights in agriculture help with the elimination of Highly Hazardous Pesticides in your country? List your country in your response.

UNITED STATES OF AMERICA

- Access to hazard information and protective equipment is important.

INDIA

- Workers' human rights should include workplace safety practices.

IRAN

- Strong enforcement programs should be available and executable.

JAMAICA

- There are many organisations supporting agriculture such as the Inter-American Institute for Cooperation on Agriculture (IICA) in the Caribbean and Latin America. IICA can support activities under rural development of technology transfer to help farmers.

ESWATINI

- Strengthening human rights in Eswatini could play a role in preventing children from working in fields before going to school in the morning. In doing so, their right to be protected from pesticide exposure will be upheld.

Poll 4: Should the ILO Convention No. 184 on Safety and Health in Agriculture be used for promoting and ensuring workers' rights in your country? (N=12)

- **Yes:** South Africa, Madagascar, Malawi, India
- **Iran:** It is already included.
- **Jamaica:** Yes, it should be used as a framework for promoting and ensuring workers' rights in agriculture and include risk assessments for workplace health and safety.
- **Benin:** Yes, as the country did not ratify ILO convention No. 184 yet.
- **Eswatini:** Convention no 184 should be used in Eswatini to strengthen workers' rights and put their health as a priority of concern.
- **Uganda:** It is not only good but desirable to use the No. 184 on safety and health in Agriculture as a framework for promoting workers' rights in agriculture in my country
- **Access to hazard information and personal protective equipment** is key. The workplace should be made healthier through **precision agriculture**.
- **Implementation and application are challenges.**
- The ILO Convention No. 184 is a good starting point.

Poll 5: Should the right to a healthy and safe environment due diligence requirement for agricultural employers and companies be introduced in your country? (N=7)

- **Yes:** It very crucial.
- **Yes:** Iran has been waiting for it for a long time, however, encountered different challenges like the lack of enforcement and high amounts of pesticide smuggling.
- **Yes:** Implementation and application are problematic.
- **Yes:** The right to health and safe environment for agricultural employees should be introduced to minimize exposure to chemicals including pesticides.
- **Yes:** For foreign companies that are directly or indirectly sourcing food/agriculture from others.
- **Yes:** The right for a good environment is include to Benin constitution.

Useful Resources:

- ILO Training Package on Workplace Risk Assessment & Risk Management for Small & Medium-Sized Enterprises. ILO SAFEWORK Geneva 2013. ISBN 978-92-2-120764-5 (print); ISBN 978-2-127065-2 (web pdf); http://www.ilo.org/safework/info/instr/WCMS_215344/lang--en/index.htm
- The UNEP/FAO/WHO Synthesis Report on the Environmental and Health Impacts of Pesticides and Fertilizers and Ways to Minimize Them is available here <https://www.unep.org/resources/report/environmental-and-health-impacts-pesticides-and-fertilizers-and-ways-minimizing>

HHPs COP: The Secretariat of the Strategic Approach to International Chemicals Management (SAICM) and the Environmental Health Division at the University of Cape Town (UCT) created this Community of Practice (CoP) to foster online discussions and address key issues related to Highly Hazardous Pesticides (HHPs) among stakeholders from governments, international organizations, industry, academia, and civil society. This CoP is contributing to the SAICM/GEF project on Emerging Chemicals Policy Issues Knowledge Management Component.

This activity is supported by the Global Environment Facility (GEF) project ID: 9771 on *Global Best Practices on Emerging Chemical Policy Issues of Concern under the Strategic Approach to International Chemicals Management (SAICM)*.

Join the SAICM/UCT HHP CoP at: <https://saicmknowledge.org/community>

If you have any questions or require clarification on this initiative, please contact the SAICM Secretariat at saicm.chemicals@un.org or UCT at uctcops@outlook.com.